

PUBLIC RECORD

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ROBERT J. DEL TURO
NEW JERSEY BOARD OF
ATTORNEY GENERAL OF NEW JERSEY
CHIROPRACTIC EXAMINERS

By: Anna W. Maloney
Deputy Attorney General
Division of Law 5th Floor
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*Ant to
Dr. DeMarco
for Sign. 3-6-92*

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS
DOCKET NO.

Paid 500 way

IN THE MATTER OF

ALFRED GIGANTE, D.C.

LICENSED TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

Administrative Action
CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners ("Board") upon receipt of an advertisement which was published by Alfred Gigante, D.C. on or about February 2, 1991. A review of this advertisement by the Board disclosed that it contained false, misleading and/or deceptive information in that the advertisement fails to identify Dr. Gigante as a chiropractor and misrepresents the purpose and usefulness of electromyography, encouraging the use thereof, whereas such modality should be utilized, if at all, by a chiropractor only after a patient is clinically evaluated and a determination made based upon patient history, presenting complaint, if any, and clinical findings as to the need and propriety of utilizing the additional chiropractic modality.

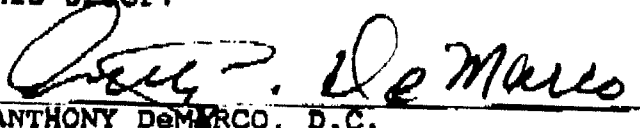
In order to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 7th DAY OF March, 1992, HEREBY ORDERED
AND AGREED THAT:

1. Alfred Gigante, D.C. shall cease and desist from placing, or causing to be placed any advertisement in which he is described a "Dr.", doctor, or any substantial equivalent thereof without conspicuously disclosing the qualifying term "D.C." "Chiropractor" or the substantial equivalent thereof.

2. Alfred Gigante, D.C. shall cease and desist from advertising the use and employment of electromyography unless such advertising clearly and conspicuously discloses that such modality is a diagnostic procedure which may be utilized only after a full evaluation and that such modality is only for diagnostic purposes and may not be suitable in all cases.

3. Dr. Gigante shall be assessed a civil penalty in the amount of \$500.00: \$250.00 for failure to display his D.C. designation: \$250.00 for misleading advertising. Payment shall be made by certified check or money order made payable to the State of New Jersey and shall be submitted to Jay Church, Executive Director, Board of Chiropractic Examiners, 124 Halsey Street, Newark, NJ 07102, on the first day of the month following the entry of this Order.


ANTHONY DEMARCO, D.C.
PRESIDENT
STATE BOARD OF CHIROPRACTIC EXAMINERS

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Alfred Gigante, D.C.

MAY 24, 1985

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

In the Matter of the
Advertising Practices of:

ALFRED GIGANTE, D.C.

and

HOWARD PRAGER, D.C.

Administrative Action

CONSENT ORDER

This matter has come before the New Jersey State Board of Medical Examiners upon its receipt of an advertisement for the Bergen County Chiropractic Associates which appeared in the July 11, 1984 edition of the Suburban News. Respondents are the principals in that office. The text of the advertisement in question relates to the use of the electro-acuscope at Bergen County Chiropractic Associates. The final line of text in that advertisement encourages "all who suffer from pain to come in for a free consultation."

The Board deems the offer of a free consultation to be a violation of N.J.A.C. 13:35-6.10(c)11, which makes it unlawful for licensees to advertise the offering of a gratuitous service. Further, the Board finds the inclusion of such wording in respondents' advertisement to be a violation of their own voluntary assurance which was filed with this Board on January 24, 1984 in which they acknowledge receipt of advice that they were prohibited from advertising free services. The Board rejects respondents' contention that their use of the word "consultation" to apply to the history-taking component of a patient's first visit should in some way relieve them of the responsibilities imposed upon them by their own voluntary assurance and the advertising regulation. Moreover, the Board is

of the opinion that respondents' interpretation of consultation is, in fact, misleading.

In consideration of violation found herein and respondents' representations that they have ceased to advertise any offering of free services or consultations, the Board has determined that good cause exists for the entry of this Order.

IT IS on this 20th day of May, 1985,
ORDERED:

1. Respondent Alfred Gigante, D.C. and respondent Howard Prager, D.C. are hereby reprimanded for having advertised the offering of free services in violation of N.J.A.C. 13:35-6.10(c)11 and their own voluntary assurance offered to this Board on January 24, 1984.

2. Respondent Alfred Gigante, D.C. shall pay to the New Jersey State Board of Medical Examiners civil penalties in the amount of One Thousand (\$1,000) Dollars within thirty (30) days of the entry of this Order.

3. Respondent Howard Prager, D.C. shall pay to the New Jersey State Board of Medical Examiners civil penalties in the amount of One Thousand (\$1,000) Dollars within thirty (30) days of the entry of this Order.

4. Respondents shall cease and desist from engaging in any advertising which purports to offer free services.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

We consent to the
form and entry of this Order.

By: _____

Edward W. Luka M.D.

EDWARD W. LUKA, M.D.
President

Alfred Gigante, D.C.

Howard Prager, D.C.



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ORIGINAL

MAY 24,

NEW JERSEY STATE
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

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